AMENDMENT TO THE CLAIMS

Listing of Claims:

We claim:

1-2. (Cancelled)

3. (Currently Amended) A telecommunications system ~~for delivering a Short Message Service (SMS) message within a network capable of providing both voice services on a voice carrier and data services on a data only carrier, said telecommunications system~~, comprising:

<u>a network operable to provide Short Message Service (SMS) messages, voice services on a voice carrier and data services on a data only carrier;</u>

a mobile station (MS) supporting both voice services and data services, said MS being currently involved in a data session on said data only carrier; and

a node in wireless communication with said MS for receiving said SMS message, encapsulating said SMS message into an Internet Protocol (IP) packet and routing said SMS message to said MS as an electronic mail message over said data only carrier without disrupting said data session wherein said node further operates to check whether said MS is involved in said data session prior to encapsulating said SMS message into said IP packet, said node transmitting said SMS message to said MS when said MS is not involved in said data session; and

wherein said MS transmits to said node via a base station of said network a feature code indicating that said MS is in data mode when said data session begins, said node encapsulating said SMS message into said IP packet only when said node has received said feature code.

4. (Original) The telecommunications system of Claim 3, wherein said node is a Mobile Services Switching Center.

5 - 6. (Cancelled)

7.   (Original)   The telecommunications system of Claim 3, wherein said node is a Base Station Controller.

8-13. (Cancelled)

14.   (Previously Presented)   The telecommunications system of Claim 3, wherein said network is a Code Division Multiple Access 2000 network.

15.   (Cancelled)

16.   (Currently Amended)   A Mobile Services Switching Center for delivering a Short Message Service (SMS) message to a mobile station (MS) supporting both voice services and data services, said Mobile Services Switching Center, comprising:

means for delivering a Short Message Service (SMS) message to a mobile station (MS) over a network supporting voice services on a voice carrier and data services on a data only carrier;

means for determining whether said MS is currently involved in a data session on [[a]] said data only carrier; and

conversion logic for encapsulating said SMS message into an Internet Protocol (IP) packet and routing said SMS message to said MS over said data only carrier as an electronic mail message when said MS is involved in said data session wherein said means for determining comprises a feature code indicating that said MS is involved in said data session, said feature code being sent by said MS via a base station coupled to said Mobile Services Switching Center at the start of said data session.

17.   (Original)   The Mobile Services Switching Center of Claim 16, wherein said feature code is stored in a Visitor Location Register associated with said Mobile Services Switching Center.

18 - 23.　　(Cancelled)

24.　　(Currently Amended)　　A Base Station Controller ~~for delivering a Short Message Service (SMS) message to a mobile station (MS) supporting both voice services and data services, said Base Station Controller~~, comprising:

means for delivering a Short Message Service (SMS) message to a mobile station (MS) over a network supporting voice services on a voice carrier and data services on a data only carrier;

means for determining whether said MS is currently involved in a data session on [[a]] said data only carrier; and

conversion logic for encapsulating said SMS message into an Internet Protocol (IP) packet and routing said SMS message to said MS over said data only carrier as an electronic mail message when said MS is involved in said data session wherein said means for determining comprises a feature code indicating that said MS is involved in said data session, said feature code being sent by said MS via a base station coupled to said Base Station Controller at the start of said data session.

25. - 26.　　(Cancelled)

27.　　(Currently Amended)　　A Base Station Controller ~~for delivering a Short Message Service (SMS) message to a mobile station (MS) supporting both voice services and data services, said Base Station Controller~~ comprising:

means for delivering a Short Message Service (SMS) message to a mobile station (MS) over a network supporting voice services on a voice carrier and data services on a data only carrier;

means for determining whether said MS is currently involved in a data session on [[a]] said data only carrier;

conversion logic for encapsulating said SMS message into an Internet Protocol (IP) packet and routing said SMS message to said MS over said data only carrier as an electronic mail message when said MS is involved in said data session; and

means for receiving said SMS message from a Short Message Service Center wherein said conversion logic tags said electronic mail message with a received indicator, said received indicator generating a response message to said Base Station Controller when said MS opens said electronic mail message.

28.   (Original)   The Base Station Controller of Claim 27, further comprising:

means for transmitting a delivery notification message to said Short Message Service Center upon receipt of said response message.

29. – 31.   (Cancelled)

32.   (Currently Amended)   A method for delivering a Short Message Service (SMS) message ~~within a network capable of providing both voice services on a voice carrier and data services on a data only carrier~~, said method comprising:

providing a network capable of providing both voice services on a voice carrier and data services on a data only carrier;

receiving at a node in wireless communication with a mobile station (MS) supporting both voice services and data services said SMS message;

determining whether said MS is currently involved in a data session on said data only carrier wherein said step of determining further comprises transmitting a feature code indicating that said MS is in data mode when said data session begins from said MS to said node via a base station of said network;

if not involved in a data session, routing said SMS message to said MS via said voice carrier; or, if so:

encapsulating said SMS message into an Internet Protocol (IP) packet; and

routing said SMS message to said MS as an electronic mail message without disrupting said data session.

33. (Original)   The method of Claim 32, wherein said node is a Mobile Services Switching Center and further comprising:

storing said feature code within a Visitor Location Register associated with said Mobile Services Switching Center.

34-39.   (Cancelled)